

IN THE HIGH COURT OF GUJARAT
AT AHMEDABAD

Date of decision: November 14, 1995

SPECIAL CIVIL APPLICATION NO.3453 OF 1995

THE HONOURABLE MR. JUSTICE C.K.THAKKAR

Mr.R.R.Vakil, Advcoate, for Mr.Y.N.Oza, Advocate, for the
Petitioner.

Mr.K.A.Mehta, Assistant Government Pleader, for the
Respondents.

1. Whether Reporters of Local Papers may
be allowed to see the judgment?
2. To be referred to the reporter or
not?
3. Whether their Lordships wish to see
the fair copy of judgment?
4. Whether this case involved a
substantial question of law as to the
interpretation of the Constitution of
India, 1950 or any order made
thereunder?
5. Whether it is to be circulated to the

Civil Judge?

Coram: C.K.Thakkar, J.
(November 14, 1995)

Oral Judgment:

Rule. Mr.K.A.Mehta, Assistant Government
Pleader, appears and waives service of Rule for the
Respondents. By the cosent of the learned Counsels, this
matter is taken up for hearing.

2. This petition is filed by the petitioner challenging the action in not accepting the application of the petitioner and in not considering her case for appointment to a Class IV post (Sweeper) on compassionate ground. Notice was issued by this Court (Coram M.S.Parikh, J.) on May 3, 1995 by making it returnable on June 13, 1995. Pursuant to the Notice issued by this Court, an affidavit is filed by the respondents.

3. I have heard Mr.R.R.Vakil for Mr.Y.N.Oza. He submitted that, though necessary application has been submitted, no decision, one way or the other, has been taken by the respondent authorities. Mr.Mehta, learned Assistant Government Pleader, stated that the application in the prescribed form has not been made. It is, therefore, directed that the petitioner will make an application in the prescribed form on or before December 1, 1995 and the authorities will decide the same in accordance with law within four weeks from the receipt of the application.

4. Learned Counsel for the petitioner states that the petitioner is a widow. Her husband was an employee of the respondent authorities and in that capacity he was in occupation of the quarter. Today she is occupying the said quarter. In peculiar facts and circumstances of the case, it is directed that till the application is decided by the authorities, the petitioner is at liberty to occupy the said quarter. Rule is accordingly made absolute to the aforesaid extent with no order as to costs.

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